

Inventor: BENYAHIA NASLI-BAKIR ET AL
Serial No.: 09/741,095
Filing Date: 12/21/2000
Examiner: KOCH
Group Art Unit: 1734

REMARKS/ARGUMENT

Claim 1 has been amended to recite that at least one glue component applied to a lamella is varied as a function of the relative position of the lamella in the lamella assembly. This is merely a further clarification of what was claimed in the application as filed, namely that the "waiting time" or "lamella stacking time" as it is now called, is the parameter used to vary the application of one or more glue components. The waiting time/lamella stacking time for a particular lamella varies depending on the relative position of the lamella in the assembly, that is, the first lamella used in the assembly will have a greater waiting time/lamella stacking time than the last lamella applied to the assembly.

Claim 11 was also amended to add the word "lamella" which was inadvertently omitted in the previous amendment.

New claim 18 has been added. This claim is similar in many respects to claim 1, but has the added feature of a non-linear application of pressure along a length of the lamella assembly. Examples of non-linear pressure application are described beginning on page 4, line 17 of the specification in connection with the section press of Fig. 3a and the continuously working press of Fig. 4a. Figures 3b and 4b illustrate the corresponding non-linear glue application profiles for these two examples.

Turning to the Examiner's rejections, Claim 17 has been rejected as being anticipated by Williams. However, the Examiner provides no evidence that this reference teaches the claimed

Inventor: BENYAHIA NASLI-BAKIR ET AL
Serial No.: 09/741,095
Filing Date: 12/21/2000
Examiner: KOCH
Group Art Unit: 1734

feature of a control unit for controlling glue application as a function of lamella stacking time. Instead, the Examiner merely states that the Williams apparatus is "capable of being optimized" to apply a glue amount as a function of lamella stacking time. This rationale falls far short of establishing anticipation. To anticipate a claim, a single reference must contain all the elements of the claim. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379, 231 U.S.P.Q. 81,90 (Fed.Cir. 1986). The lack of any suggestion, much less a specific teaching, of applicants' glue control function in Williams renders the reference useless as a basis for anticipation.

A similar reasoning applies to the alleged anticipation of claims 14-17 by Fujii. This reference, like Williams, fails to teach or suggest the control of a glue component as a function of lamella stacking time.

Claims 1-3 have been rejected as being anticipated by Detlefsen. This reference is mainly concerned with the construction of plywood sheets and contains no teaching of varying glue application as a function of lamella stacking time as defined in claim 1. As the Examiner readily admits, the only reference to variation of glue application in Detlefsen is the application of a different amount of glue to the center lamella in a plywood veneer. This is quite different from control of a glue component as a function of lamella stacking time, since the lamellas on either side of the center lamella would appear to get the same glue treatment, despite different stacking times. Clearly Detlefsen fails to anticipate the claimed invention on this basis alone.

The examiner has also rejected certain claims with various

Inventor: BENYAHIA NASLI-BAKIR ET AL
Serial No.: 09/741,095
Filing Date: 12/21/2000
Examiner: KOCH
Group Art Unit: 1734

combinations of Fujii, Williams, Detlefsen, Steinberg, Cone, Gibson, Payzant, Dike 566, Dike 177, Warren and "admitted prior art". None of the combined teachings of these references renders applicants' claimed invention obvious.

The Steinberg reference relates to the assembly of plywood veneer, which is much different than the assembly of lamellas into beams. A skilled artisan familiar with the construction of plywood veneer would not be assumed knowledgeable in the field of lamella assemblies, due at least to the fact that the dimensional characteristics of the two are quite different, as is the pressing requirements.

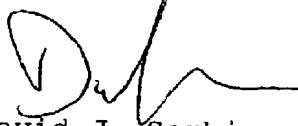
Fujii, Williams and Detlefsen have already been discussed. Cone, like Fujii and Williams, provides no explicit teaching of controlling glue application via lamella stacking time. The remaining references have been cited in combination with the above references and none serve to cure the defects previously pointed out.

With respect to new claim 18, there is no suggestion in any of the cited references of controlling glue application in processes with a non-linear pressing step. The use of non-linear pressing adds another level of complexity to the lamella stacking time calculations, as alluded to earlier, and it would be hindsight to allege that the prior art anticipated or rendered obvious the invention claimed in claim 18.

In view of the above a Notice of allowance of claims 1-18 is requested.

Inventor: BENYAHIA NASLI-BAKIR ET AL
Serial No.: 09/741,095
Filing Date: 12/21/2000
Examiner: KOCH
Group Art Unit: 1734

Respectfully submitted,



David J. Serbin
Reg. No. 30,589

Law Office of David J. Serbin
1217 King Street
Alexandria, Virginia 22314
Telephone: (703) 299-0035
Facsimile: (703) 299-0036
July 15, 2004

I certify that this paper
is being sent today by
facsimile transmission to
USPTO Group 1730 at
facsimile No. 703-872-9306

15 July 2004

Date


Signature